

STATE ID: ORGAN DONOR DESIGNATION

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Senate Bill 301

Sponsor: Sen. Jud Gilbert, II

House Committee: Transportation

Senate Committee: Transportation

Complete to 5-2-05

A SUMMARY OF SENATE BILL 301 AS PASSED BY THE SENATE 3-22-05

Senate Bill 301 is part of a package of bills that would establish a heart insignia on the front of the driver license and state identification cards and would change how the secretary of state approaches residents regarding organ and tissue donation. The bills are intended to enhance and strengthen the state's donor registry and increase the number of residents on the registry. The other bills are House Bills 4082, 4069 and 4470. The bills are all tie-barred, which means none could take effect unless all were enacted.

Senate Bill 301 would amend Public Act 222 of 1972 to require the secretary of state to put a heart insignia on the front of an official state personal identification card when a driver has indicated the intent to be an organ or tissue donor. This requirement would begin January 1, 2007.

Also, beginning January 1, 2007, the secretary of state would be required to inquire of each person who applies for a state personal identification card, in person or by mail, whether the card holder agrees to participate in the organ and tissue donor registry. If a person agreed to participate in the registry, a heart insignia would be placed on the front of the official state personal identification card. That agreement would not be considered revoked solely because the official state personal identification card had expired.

In addition, enrollment in the organ, tissue, and eye registry would constitute a legal agreement that remains binding and in effect after the donor's death regardless of the expressed desires of the deceased donor's next of kin who may oppose the donor's organ, tissue, or eye donation.

The bill also would require that the ID card contain a sticker or decal as specified by the secretary of state indicating that the holder has designated one or more patient advocates, or a statement that he or she carries an emergency medical information card. (Information about medical information cards must already be placed on the state ID card, and the same sticker or decal may also be used to indicate a person has designated patient advocates.)

Senate Bill 301 would also require the secretary of state, beginning January 1, 2007, to:

- Maintain a record of an individual who indicates a willingness to be placed on the registry. Information about an applicant's indicated willingness to be placed on the registry obtained and forwarded by the secretary of state would be exempt from disclosure under the Freedom of Information Act.
- Maintain the organ, tissue, and eye donor registry in a manner that provides electronic access, including transfer of data to the state's federally designated organ procurement organizations, their successor organizations, and the tissue and eye banks, with limitations on the use and access to the donor registry as determined by the secretary of state.
- Waive the original or renewal card fee if a person wishes to add or remove a heart insignia.

MCL 28.291 and 292

FISCAL IMPACT:

The amount of cost to the state is indeterminate at this time. The Department of State would incur costs for programming as well as costs for ongoing administrative expenses.

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